

# **Exhibit 50**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: RECOUNT AND/OR  
RECANVASS OF THE VOTE  
FOR PRESIDENT OF THE  
UNITED STATES AND FOR  
THE UNITED STATES  
SENATE IN THE NOVEMBER  
8, 2016 GENERAL  
ELECTION

CIVIL DIVISION

2016-22954

MOTION TRANSCRIPT

FILED BY:

Jennifer Cox  
Official Court Reporter

DATE:

December 2, 2016

BEFORE:

Honorable Joseph James

COUNSEL OF RECORD:

For the Republican State  
Committee of Pennsylvania  
t/d/b/a Republican Party of  
Pennsylvania; Republican  
Committee of Allegheny County

Ronald J. Hicks & Nicholas  
Bell, Esq  
Meyer, Unkovic & Scott, LLP  
1300 Oliver Building  
Pittsburgh, PA 15222

For Dr. Jill Stein and the  
Stein Campaign for President  
of the United States:

Doug Lieb, Esq  
Emery, Celli, Brinckerhoff &  
Abady, LLP  
600 5th Avenue  
New York, NY 10020  
Stuart Gall, Esq.  
Gall Legal, LLC  
100 Ross Street, Ste 510  
Pittsburgh, PA 15219

For Allegheny County:  
Allan Opsitnick, Esq.  
564 Forbes Avenue Ste 1301  
Pittsburgh, PA 15219

REPRODUCTION OF THIS TRANSCRIPT IN WHOLE OR IN PART IS GOVERNED  
BY THE PA RULES OF JUDICIAL ADMINISTRATION  
AND APPLICABLE LOCAL RULES AND SHALL NOT BE  
EMPLOYED FOR ANY OFFICIAL CAPACITY

**I-N-D-E-X.**

| <b>WITNESS</b>                        | <b>PAGE</b> |
|---------------------------------------|-------------|
| <i>Mark Wlosik</i>                    |             |
| Direct Examination by Mr. Opsitnick   | 25          |
| Cross Examination by Mr. Hicks        | 28          |
| Cross Examination by Mr. Lieb         | 37          |
| Redirect Examination by Mr. Opsitnick | 46, 53      |
| Recross Examination by Mr. Hicks      | 51, 54      |
| Recross Examination by Mr. Lieb       | 50          |

1 THE COURT: All right. We scheduled a  
2 hearing this morning. There was a notice of an  
3 appeal filed in opposition. An emergency petition  
4 to quash, a notice of appeal of the decision of  
5 the Allegheny County Board of Elections.

6 We have an array of people sitting here.  
7 Let's see who is representing whom.

8 MR. HICKS: Good morning, Your Honor. Ron  
9 Hicks and Nick Bell for the Republican State  
10 Committee of Pennsylvania and the Republican  
11 Committee of Allegheny County.

12 THE COURT: Good morning, Mr. Hicks.

13 MR. GAUL: Your Honor, Stuart Gall on behalf  
14 of the Jill Stein for President Campaign and Jill  
15 Stein.

16 With me today is Douglas Lieb, whose  
17 admission we will seek pro hac vice. He is with  
18 the firm Emery, Celli, Brinckerhoff & Abday, and  
19 he's here as well.

20 MR. OPSITNICK: Judge, Allan Opsitnick,  
21 Assistant County Solicitor on behalf of  
22 Allegheny County for the district.

23 THE COURT: I guess we should start with  
24 the motion for admission pro hac vice. That's  
25 your motion, Mr. Gaul.

1 MR. GAUL: It is our motion, Your Honor.  
2 This is the original receipt we received back  
3 from the Department of Court Records.

4 Mr. Lieb, as I mentioned earlier, is with  
5 the Emery, Celli firm. He is admitted to  
6 practice the bar in the state of New York and  
7 California.

8 He indicated he would be willing to abide  
9 by the rules of this Court, and he has submitted  
10 the required fee and certification to the IOLTA  
11 Board.

12 I have indicated that I will supervise and  
13 monitor his work in this action, and I will.

14 On that basis, Your Honor, I ask that he  
15 be admitted pro hac vice.

16 THE COURT: Any objections?

17 MR. OPSITNICK: None, Your Honor.

18 MR. HICKS: None, Your Honor.

19 THE COURT: Well, let's see how you  
20 monitor his behavior. Sounds like a tall order,  
21 Mr. Gaul. Motion is granted.

22 Mr. Lieb, you're admitted pro hac vice to  
23 argue this matter before this Court.

24 There's a second petition, Mr. Gaul, that  
25 you filed, and also Mr. Lieb, assuming that he



1 had been admitted, but that petition is for  
2 intervention in opposition to this appeal filed  
3 on behalf of Jill Stein for President and Jill  
4 Stein as an individual.

5 It's your motion, Mr. Gaul.

6 MR. GAUL: That's correct, Your Honor.  
7 Dr. Stein, is, in fact, interested in the  
8 results of the election in Pennsylvania, having  
9 appeared on the ballot, having received votes,  
10 and in that sense, we have essentially the same  
11 argument that the Republican Committee has.

12 We would like to make sure that all the  
13 votes are counted fully and fairly. We believe  
14 that the petition that has been presented by the  
15 petitioner here carries that process, and we  
16 would respectfully ask the Court --

17 THE COURT: To be fair, Mr. Gaul, it would  
18 have be thrown out of Court, if it was granted,  
19 but be that as it may. Okay. You believe you  
20 have standing?

21 MR. GAUL: We do.

22 THE COURT: Anyone want to speak to this  
23 motion for intervention in opposition?

24 MR. OPSITNICK: No, Your Honor.

25 THE COURT: You're two for two, Mr. Gaul.

1 MR. GAUL: Here is the original petition  
2 from the Department of Court records.

3 THE COURT: Okay. We are ready to proceed  
4 on the underlying motion, which was filed on  
5 behalf of the Republican Party, and that would  
6 be your motion, Mr. Hicks.

7 MR. HICKS: Yes, Your Honor. From a  
8 procedural standpoint, does your file have a  
9 copy of the Affidavit of Service that was filed  
10 yesterday?

11 THE COURT: Probably not.

12 MR. HICKS: I will hand that up to you.  
13 So setting that issue aside then, there are  
14 basically two ways we want to present this, Your  
15 Honor.

16 This morning, we spent the morning going  
17 through a stipulation of facts, and I have that  
18 here, and I would like to present that to the  
19 Court.

20 It's been signed by counsel for all the  
21 parties. Let me just explain how it's been  
22 formatted.

23 So you'll see on the first page, the first  
24 several pages, there are stipulations and there  
25 are several handwritten notations on it. Those



1 are the changes that we made, based on our  
2 meeting this morning, with Counsel.

3 You can see that there are certain  
4 paragraphs that have been stricken from the  
5 stipulations. Those are paragraphs two, three  
6 five and six.

7 Paragraph two and three are issues that  
8 Mr. Opsitnick is going to raise with regard to  
9 our standing, which I believe is more of a legal  
10 issue.

11 Then paragraph five and six is the only  
12 ones where we need to take some testimony on an  
13 issue as to what constitutes signing by the  
14 board.

15 Other than that, the rest of the  
16 stipulations have been changed to reflect the  
17 agreement of the parties, and just so we're  
18 clear as to what some of those changes were, so  
19 that you know there is no dispute as to what the  
20 handwriting says, I'll read some of those  
21 changes.

22 So in Paragraph 7, Paragraph 7 should now  
23 read: At no time prior to November 23, 2016 did  
24 any voter file a petition for recount or  
25 recanvass with the Election Division. Under the

1 Elections Code, Section 1404(c), 25 PS, Section  
2 3154(c), contending that there was an error  
3 committed during the Election Board's Election  
4 Code Section 1404 canvass.

5 Paragraph 8, that should now read: On  
6 November 23, 2016, the Elections Division posted  
7 on its website, and then the rest of the  
8 paragraph, there should be -- there would be a  
9 paren and it is actually the URL for the  
10 website.

11 Both summary and detailed reports of the  
12 unofficial results for Allegheny County. Those  
13 reports indicate the "run date" and the "end  
14 times" were "November 23, 2016 and 2:32 am."

15 THE COURT: I think it says 10:32 a.m.

16 MR. HICKS: Yes.

17 THE COURT: I don't think they were  
18 running this at 2:00 in the morning.

19 MR. HICKS: I am sorry. Paragraph 10  
20 should now read --

21 THE COURT: Nine is in tact?

22 MR. HICKS: Nine is in tact. Paragraph 10  
23 should now read: On the same website, the  
24 Elections Board provided the following notice in  
25 bold print and in separately boarded box. That

1 quote is: "These results will become official  
2 on Monday, November 28, unless a petition for  
3 recanvass or recount has been filed with the  
4 appropriate Court awaiting disposition."

5 In Paragraph 11, the two changes were the  
6 Election Board should be changed to Election  
7 Division and that the number should be 305  
8 instead of 304.

9 Paragraph 12 should now read: Some of --

10 THE COURT: I apologize for interrupting,  
11 but it reads the petition to recount and/or  
12 recanvass an affidavit of blank, and I assume  
13 they were filled in or were they just left  
14 blank?

15 MR. HICKS: They were filled in.

16 THE COURT: So it's 305. So you agree we  
17 have 305 names?

18 MR. HICKS: That is correct. Paragraph 12  
19 now reads: Some of the 305 documents were  
20 presented and received by the Elections Division  
21 as a group of three or more from a single  
22 election district, and others were presented  
23 singularly.

24 Then Paragraph 13 says: When the 305  
25 documents were presented and received by the



1 Elections Division, the same duplicate copy of  
2 the November 25, 2016 sworn affidavit of J.  
3 Alex Halderman, beginning to be called the  
4 Halderman Affidavit, was submitted with them.

5 In Paragraph 14, it should now read: The  
6 305 documents were a formed document, which a  
7 long with the Halderman Affidavit, were made  
8 available on line and by a third parties at the  
9 Allegheny County Elections Division Office on  
10 the Sixth Floor of the County Office Building,  
11 542 Forbes Avenue, Pittsburgh, PA, and then were  
12 completed by the voters before presentment and  
13 received by the Elections Division.

14 Paragraph 15 should now read: On November  
15 29, 2016, the Elections Division examined the  
16 305 documents received on November 28, 2016 and  
17 determined which collectively involved an  
18 elections district where at least three voter  
19 affidavits were presented to and received by the  
20 Elections Division.

21 Paragraph 16 should now read: On November  
22 29th, the Elections Division announced that of  
23 the 305 documents received on November 28, 2016,  
24 only those attached collectively hereto as  
25 Exhibit 1A and 1B contained the required three

1 voters per affidavit Election Districts, and on  
2 December 5th, 2016, the Elections Division would  
3 conduct a machine recanvass of the 52 election  
4 districts covered by those documents.

5 You will see, Your Honor, we've attached  
6 Exhibit 1A are all of the petitions pages that  
7 were filled in by the voters and pertain to  
8 those 52 election districts.

9 1B is just a single copy of the Halderman  
10 affidavit.

11 Paragraphs 18 and 19 are just particular  
12 paragraphs out of the Exhibit 1A, the forms  
13 petitions, and in particular, they indicate that  
14 they are being brought pursuant to Section 3154  
15 of the Election Code, and they're asking for the  
16 recanvass of the machines.

17 The last change that we have made from  
18 Paragraphs 20 and 21, we've agreed that the  
19 documents were not filed with the Allegheny  
20 County Clerk of Courts.

21 In Paragraph 21, we've agreed --

22 THE COURT: Office of Court Records.

23 MR. HICKS: Office of Court Records. We  
24 agree in Paragraph 21 no cash deposit or surety  
25 were provided, including a \$50 cash deposit or a



1           \$100 surety bond for voting machines to be  
2           canvassed in each election district.

3           If I haven't highlighted any of the other  
4           ones we didn't agree on, or that we did agree  
5           on, they are set forth in the pleadings as typed  
6           and we would offer those as a stipulation of the  
7           facts and exhibits for purposes of this hearing.

8           THE COURT: Okay. Let's go in order. Mr.  
9           Gaul, you were first in.

10          MR. GAUL: Let me defer to Mr. Lieb, Your  
11          Honor.

12          THE COURT: Certainly. Mr. Lieb?

13          MR. LIEB: Just a cleanup matter, Your  
14          Honor, I think in paragraph 17 Election Board  
15          should be changed to Election Division.

16          THE COURT: It was.

17          MR. LIEB: Okay. And then Paragraph 21, I  
18          believe it should read including and without  
19          limitation, a \$50 cash deposit or \$100 surety  
20          bond per voting machine can be canvassed at each  
21          election district.

22          THE COURT: That's how it reads.

23          MR. LIEB: Thank you, Your Honor.

24          THE COURT: Mr. Opsitnick?

25          MR. OPSITNICK: By the time it gets to me,

1 everything is fine.

2 THE COURT: So we have a stipulation as to  
3 the timeline and what happened and what went on.  
4 We have a dispute as to paragraph -- Mr.  
5 Opsitnick, you object to standing; is that  
6 correct?

7 MR. OPSITNICK: I do, Your Honor.

8 THE COURT: That's in Paragraph 2 and 3?

9 MR. OPSITNICK: Well, Paragraph 2, I don't  
10 think that the County can agree that the  
11 Republican State Committee of Pennsylvania  
12 represents, for purposes of this litigation, the  
13 interest of all republican voters and  
14 candidates.

15 My real thrust is, Judge, I don't think  
16 that the appellants here, the entity, the  
17 Republican State Committee of Pennsylvania, has  
18 standing.

19 As the Court knows, we are operating under  
20 Section 3157 of the Elections Code that starts  
21 at any person agreed by anyone or one and on and  
22 on and on.

23 The Elections Code has no definition of  
24 persons in Section 2602. So Mr. Hicks, I think,  
25 acknowledges this standing issue in his appeal,

1 because he uses to support his standing the  
2 Commonwealth cases, and I have copies and I will  
3 pass them out, a 2003 case, canvass of absentee  
4 ballots, where I think Mr. Hicks was wearing my  
5 brogue at the time where he was opposing  
6 standing.

7 In that case, there was standing in 3157,  
8 an appeal, but it's a requirement, Judge. The  
9 basis for standing in this case was under 2650.  
10 There were watchers, and this was a case -- the  
11 Court probably recalls this situation.

12 THE COURT: It was my case.

13 MR. OPSITNICK: But there was  
14 disenfranchisement, potential disenfranchisement  
15 for absentee ballots that we, the Board of  
16 Elections, did not count because of how they  
17 were delivered.

18 Again, I submit to the Court, that this  
19 case is a carve out, because without the party  
20 having standing in this type of case, the power  
21 that emanates from the watchers certificate in  
22 that section of the code would be nullity.

23 That's not the case here. The case here  
24 is no voters are going to be disenfranchised.  
25 Everything has been tabulated. This is a



1 canvass looking at aggregates. Looking at  
2 total. I think for that, you need an actual  
3 person and this entity, the State Republican  
4 Committee of Pennsylvania, or however it's  
5 phrased, is not a person.

6 I think you have to read 3157 two ways.  
7 One, literally, considering there is no  
8 definition of a person or elsewhere in the  
9 election code; and two, distinguishing the  
10 canvas of the absentee ballots case from 2003,  
11 given that the circumstances are very different.

12 Then I think the Commonwealth Court's  
13 opinion, again, treats it as a carve out, and  
14 exception to the rule. That's not the facts we  
15 have here.

16 Nobody is claiming that the votes aren't  
17 going be counted individually. There might be  
18 contention that the votes weren't added right,  
19 but we are talking about, as the Court knows,  
20 post return board totals.

21 So I think the matter should be dismissed,  
22 because the appellant from the board's decision  
23 has no standing. Thank you.

24 THE COURT: Thank you. Mr. Hicks?

25 MR. HICKS: Well, Your Honor, you and I

1 have argued this back in 2003.

2 THE COURT: This was a long time ago, Mr.  
3 Hicks.

4 MR. HICKS: That was a long time ago, and  
5 I have gotten wiser and I have come around to  
6 your points of view.

7 THE COURT: Unfortunately, not the same  
8 point of view as the Supreme Court had, but  
9 that's okay.

10 MR. HICKS: As you know, Your Honor, I had  
11 argued that, in fact, the parties did not have  
12 standing. You had indicated that because  
13 political parties have the ability to appoint  
14 watchers not only to participate not only  
15 pre-election, but most importantly  
16 post-election, and in a --

17 THE COURT: At the time of canvass?

18 MR. HICKS: And also not only during the  
19 initial canvasses, but also the recount and  
20 recanvass that may be ordered that without the  
21 ability for the political parties to, in fact,  
22 appeal, because watchers themselves have no  
23 power to, in fact, file an appeal other than  
24 being a normal voter.

25 So there is no question that as a



1 political party, the Republican State Committee,  
2 as well as the Republican Committee of Allegheny  
3 County appoint watchers. More importantly, we  
4 represent all the candidates on the ballot.  
5 That's, in fact, our function as political  
6 parties.

7 More importantly, I would point out this  
8 is an appeal with regard to an attempt under  
9 3154(e) to do a recount or recanvass, and under  
10 that, before any such recount or recanvass can  
11 be done, notice has to be given to various  
12 persons. Not only to candidates, but most  
13 importantly, the county chairman of the  
14 political party or body.

15 So if we weren't intended to have some  
16 interest in it, why is notice being provided to  
17 us under 3154(e), which, in fact, was provided  
18 to us and that's what prompted this appeal.

19 So I believe that not only do we have  
20 standing because we are a political body, we  
21 have the ability to appoint watchers. We are,  
22 in fact, entitled to notice of this particular  
23 recount.

24 So, therefore, when we believe that the  
25 board has made a decision effecting outside of

1 its authority, nobody but us had the ability to  
2 be a party.

3 Obviously, candidates could file and also  
4 join in us, but that doesn't deprive us of the  
5 ability. We are a party in accordance not only  
6 the lower Court's decision, but also the  
7 Commonwealth Court's decision, which affirms  
8 that decision, and the Supreme Court did not  
9 address that because nobody indicated beyond  
10 that point.

11 THE COURT: The Supreme Court reversed on  
12 other grounds. I believe Chief Justice Castille  
13 wrote that.

14 MR. HICKS: That is correct. We took an  
15 appeal on that issue, but we did not take an  
16 appeal at the standing issue.

17 THE COURT: Anyone else wish to speak to  
18 the issue of standing in terms of the parties?

19 MR. LIEB: No, Your Honor.

20 THE COURT: So your position that you have  
21 standing is that, one, you're given notice of  
22 any petition for recanvass or recount; and, two,  
23 you have the power to appoint watchers if such a  
24 recount or recanvass takes place?

25 MR. HICKS: That is correct, Your Honor.

1 In fact, we have appointed watchers before the  
2 election and as part of the election.

3 As you recall, Your Honor, that I was here  
4 during our pre-election meeting on behalf of the  
5 Republican Party and all candidates, including  
6 Donald Trump.

7 I still serve in that capacity, and more  
8 importantly, I still the solicitor for the  
9 Republican Party of Allegheny County.

10 So I believe that we have acted  
11 consistently throughout this election both pre,  
12 during and now post and we have standing.

13 THE COURT: Mr. Opsitnick, why does the  
14 legislature require you to give notice of any  
15 petition for recanvass to the political parties,  
16 if the political parties can't participate in  
17 this some way? Don't tell me it's a swapping of  
18 because of the legislative act.

19 We have to give some meaning to these  
20 words. Why are they put on notice when a  
21 petition for recount takes place?

22 MR. OPSITNICK: Well, Judge, I think there  
23 is an overall transparency thrust here. But you  
24 say give meaning to the legislative language and  
25 why is 3157 limited to any person that reads



1 unlike the watchers section 2650, which says:  
2 Any party or political body or citizen or  
3 candidate can get watchers.

4 I think you will agree, Judge, that the  
5 Election Code, having a couple of decades plus  
6 of dealing with the Election Board, is not  
7 always consistent.

8 THE COURT: I think we can agree just the  
9 opposite after a patchwork of amended Supreme  
10 Court decisions it's become inconsistent.

11 MR. OPSITNICK: Judge, just to circle  
12 back, the statute that permits the appeal to be  
13 filed to get us here is limited to persons and  
14 not political parties. It doesn't say persons  
15 agreed or parties or political bodies. Limited  
16 to persons agreed, I must assume that's for a  
17 particular purpose, and that is to limit  
18 entities that can bring an appeal to this Court.

19 THE COURT: I am satisfied that there is  
20 standing based, number one, on the language,  
21 which gives them notice; number two, the ability  
22 to appoint watchers for any recanvass or  
23 recount.

24 So that I have this straight, this is a  
25 petition by the Stein group, the people that

1 have filed for a recanvass? Because you  
2 scratched out recount in the various sections of  
3 the stipulations.

4 MR. OPSITNICK: It is limited to  
5 recanvass.

6 MR. LIEB: I am not sure we would  
7 technically agree with that, Your Honor, to the  
8 extent that --

9 THE COURT: Well, that's what your  
10 stipulation says, Mr. Lieb.

11 MR. LIEB: Well, I think the stipulation  
12 says, if I am not mistaken, that the Board  
13 announced they are going to conduct a recanvass,  
14 not necessarily that's what the petition were  
15 for that or that is exactly what it has required  
16 by law.

17 It's just at question to the extent there  
18 are any absentee ballots that are not conducted  
19 by electronic voting machines that I think would  
20 qualify as a recount, rather than a recanvass,  
21 if you're not seeking the recanvass of the  
22 machine, but the petition is for recount and for  
23 recanvass.

24 THE COURT: I am satisfied that you have  
25 standing, based not only on those two sections



1 of the second language of the poll watchers  
2 information, and also by the decision written by  
3 the then President Judge Pellegrini, which  
4 confirmed standing and was not appealed to the  
5 Supreme Court.

6 So we're going to grant them standing in  
7 the case, Mr. Opsitnick, over your objection.

8 All right. You may proceed at this point,  
9 Mr. Hicks.

10 MR. HICKS: Your Honor, at this point, as  
11 I said, with regard to the stipulations, there  
12 was only two particular sections of the  
13 stipulations that are controverted, and perhaps  
14 with Counsels' permission, maybe I could overlay  
15 what the issue is.

16 There's no dispute between the parties  
17 that post-election, the Elections Division, as  
18 the administrative arm of the Election Board,  
19 conducted a computation and canvas of all the  
20 returns of Allegheny County.

21 As you know, there are 1,322 election  
22 precincts in Allegheny County, and all of those  
23 returns were reviewed, canvassed, tabulated and  
24 the results were posted on line.

25 The issue that is being raised by both Dr.

1 Stein and her candidacy is whether or not that  
2 unofficial result was ever signed by all three  
3 members of the Elections Board.

4 THE COURT: That would be the County  
5 Executive and two at-large council members?

6 MR. HICKS: Correct. So we thought it be  
7 pertinent to have Mr. Wolosik, who I have under  
8 subpoena, to come to the stand to testify as to  
9 what the Elections Division is, their  
10 administrative authority, what they have been  
11 designated to do on behalf of the board, and the  
12 process that they engage in when they do the  
13 canvassing and compilation that occurred from  
14 post election up to November 23, 2016. Unless  
15 you want to take judicial notice of it.

16 THE COURT: Well, I have been supervising  
17 the elections in the county since 2000. I kind  
18 of know what they do. I suppose we need to make  
19 a record, because no one is going abide by my  
20 ruling.

21 MR. HICKS: So I was going to ask Mr.  
22 Wolosik to come to the stand. Mr. Opsitnick has  
23 agreed to take the first whack at the testimony,  
24 and then Dr. Stein's Counsel would fill in any  
25 information that might be needed after that.

1 THE COURT: All right. Mr. Wolosik. Good  
2 morning.

3 The Court would note for anybody who has  
4 not been here before, Mr. Wolosik has testified  
5 in my Courtroom probably a hundred times. He's  
6 not a stranger to this room.

7 Mr. Opsitnick, you're going to conduct a  
8 direct examination of the proceedings?

9 MR. OPSITNICK: I am.

10 THE COURT: Would you, please.

11 MARK WOLOSİK, called as a witness herein,  
12 having been first duly sworn, was examined and  
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OPSITNICK:

16 Q. Mark, would you briefly indicate your job title,  
17 your length of time in the Elections Division and  
18 what your current duties involve?

19 A. I am the Elections Division Manager for the County  
20 of Allegheny. I started there as a temporary  
21 employee in the fall of 1970.

22 I was appointed Elections Director July  
23 1st of 1991, and when my department became a  
24 division, I became a division manager.

25 Q. One of the things stipulated to, Mark, is that a



1 report and percentage calculations were completed  
2 and made public on the internet on November 23,  
3 2016.

4 Are you familiar with that document?

5 A. Yes.

6 Q. Would you describe for the Court how that document  
7 was generated?

8 A. I suppose you want me to go through the return board  
9 procedure?

10 Q. Maybe you should quickly.

11 A. On the third day following the election, under the  
12 election code, we're required to canvass the results  
13 of the election.

14 We have compared the records returned by  
15 the Election Board to how many people presented  
16 themselves to vote. We compare that against the  
17 voting machine totals of how many people were  
18 admitted to vote and resolve any discrepancies.

19 We compare the number of absentee ballots  
20 to each polling place and county at each polling  
21 place compared to the number of absentee ballots  
22 that were scanned on election night and resolve any  
23 discrepancies.

24 We research any provisional ballot that  
25 was cast and make a determination of whether the

1 ballots should be fully counted, partially counted  
2 or not counted.

3 All of those operations result in any  
4 necessary changes in the election tabulation data  
5 base, which are made.

6 Then the conclusions of any changes that  
7 need to be made, we produce a set of elections  
8 results that we term unofficial or preliminary  
9 election results.

10 Q. In your job, is that what is traditionally called a  
11 preliminary certification?

12 A. Yes.

13 Q. It's under the Election Code that there has to be a  
14 five day period between that and when the Board of  
15 Election would certify the result, the final result?

16 A. Yes, that is correct.

17 Q. Traditionally, does the Board of Elections sign off  
18 on any fashion, the individual members of the board  
19 sign off on the preliminary certification?

20 A. They do not.

21 Q. What type, if any, signing off on and notation is  
22 made by your employees of the return board prior to  
23 the preliminary certification being complete?

24 A. Each clerk, who performs an operation that I  
25 described as part of the return board, he initials



1           whatever document they have duties on.

2           Q.    So there's no cumulative -- there's no cover sheet  
3                with everybody's signatures?

4           A.    There is not.

5           Q.    Everybody that participated initials the small part  
6                of the growing certification that they did?

7           A.    Well, it's the actual documents that they reviewed  
8                as part of the return board.

9                       MR. OPSITNICK: That's all I have, Your  
10                   Honor.

11                               CROSS EXAMINATION

12       BY MR. HICKS:

13       Q.    Mr. Wolosik, good morning.

14       A.    Good morning.

15       Q.    With regard to the computation and canvassing that  
16               you're about, when did the return board complete  
17               that operation?

18       A.    It was the day before Thanksgiving, Wednesday  
19               morning. That was the 23rd.

20       Q.    November 23rd. Once that computation and canvassing  
21               was completed, the results were then posted?

22       A.    That is correct.

23       Q.    If you take a look in terms of the stipulation, I  
24               will show you Exhibit 2.

25                       The parties have stipulated that the first

1 page of this exhibit is a copy of the Allegheny  
2 County Election Division Website, and on the this  
3 particular page, there is information regarding the  
4 summary and two detailed reports; do you see that?

5 A. Yes.

6 Q. Above that, there is the first block. There is a  
7 block there that says these results will be become  
8 official?

9 A. Yes.

10 Q. That is information that the Election Division posts  
11 to the public, correct?

12 A. Yes.

13 Q. With respect to that notice, where do you indicate  
14 that any petition for recanvass or recount has to be  
15 filed?

16 A. It's the first line of the notice.

17 Q. Where do you inform the public where these petitions  
18 for recount or recanvass are to be filed?

19 A. The wording says: These results will become  
20 official on Monday, November 28th unless a petition  
21 for recanvass or recount has been filed with the  
22 appropriate Court awaiting disposition.

23 Q. The page that follows that are three pages of a  
24 document that is referred to as a summary report.  
25 Is that the summary report that would pop up if you

1 clicked on the first page of the website?

2 A. Yes.

3 Q. According to the summary report, it has a run date  
4 of November 23, 2016 and a run time of 10:32 a.m?

5 A. Correct.

6 Q. What does the summary report reflect?

7 A. The final compilation of all the votes casted for  
8 all the candidates that were on the ballot.

9 Q. Would this be the adding up of all the returns that  
10 had been initialed by the return board when they  
11 went through each one of the election districts?

12 MR. LIEB: Objection. That  
13 mischaracterize the testimony.

14 MR. HICKS: I'll re-ask the question.

15 BY MR. HICKS:

16 Q. Does the summary report that's prepared here, how is  
17 it prepared? On what data does it rely upon?

18 A. The actions of the return board.

19 Q. When you say the actions of the return board, is  
20 that what you were describing to Mr. Opsitnick as  
21 the sheets of paper that have been initialed by each  
22 of the employees who examined each of the returns  
23 from those election districts?

24 A. Yes.

25 Q. So let's just talk about what is on those initial



1 pages.

2 What information appears on those that is  
3 then transferred over to the summary report?

4 A. I don't quite understand the question.

5 Q. What information is on the page that is initialed by  
6 each of return board when they are doing a  
7 computation and the recanvassing? What information  
8 shows up there and how does it get to the summary  
9 report in terms of a tabulation?

10 A. It's the votes cast for each candidate in every  
11 election district in which their name is on the  
12 ballot, and then that information is checked for any  
13 necessary corrections that are made to the election  
14 database and then a tabulation report gets run and  
15 it's posted to the internet.

16 Q. I assume this summary report is generated by  
17 computers that are used by the Elections Division?

18 A. Yes.

19 Q. The report that's presented here, is that a report  
20 that the elections Division has been using during  
21 your entire tenure as the division manager?

22 A. Yes, since 2006 when we purchased the voting system.

23 Q. Now, you mentioned that your department switched  
24 between a division to a department?

25 A. The other way.



1 Q. What do you mean by that?

2 A. The county did a type of reorganization that I think  
3 prior to the Homewood Charter, there were 32 or 33  
4 individual departments that reported directly to the  
5 county commissioners.

6 Then there was a reorganization that the  
7 county was placed into five departments, and the  
8 previous departments were called divisions, and it  
9 was just a grouping of people.

10 Q. You're under the administrative service portion of  
11 the county?

12 A. That is correct.

13 Q. As an administrative portion, what does the  
14 Elections Division, what is its relationship to the  
15 Election Board, the three county commissioners that  
16 determine that board? What is the relationship  
17 between those two?

18 A. They delegate the overall supervision of the  
19 elections process to me.

20 Q. So you've talked about the summary report. Let's  
21 talk about the last two pages of Exhibit 2.

22 It would be the fourth page of the  
23 exhibit. It's called a precinct report, and it  
24 still has same date November 23, 2016. Run time of  
25 10:32 a.m. What is a precinct report?

1 A. It denotes the tabulation of votes cast for every  
2 candidate by the district.

3 Q. If we look at the first page of Exhibit 2, going  
4 back to the website, would that be the detailed  
5 district report portion of the website?

6 A. Yes.

7 Q. This report is several hundred pages, correct, Mr.  
8 Wolosik?

9 A. I think so, yes.

10 Q. This represents the first page of that multi-page  
11 report, correct?

12 A. Yes.

13 Q. Would it be accurate to say that the information  
14 from the detailed report eventually is part of the  
15 tabulation that shows up on the summary report that  
16 we just identified?

17 A. Yes.

18 Q. Let's talk about the last page of Exhibit 2 then.  
19 That report is called a number key canvas. What is  
20 that report?

21 A. This is a report that sorts the tabulation turn out  
22 and votes cast by a particular office on the ballot.

23 Q. If we look at the first page of the website where it  
24 underneath it says: The detailed reports available  
25 and the detailed canvass report hyperlink, would

1           this be the first page that would show up when you  
2           would click on that particular report?

3           A.    Yes.

4           Q.    Again, is this particular report a multipage report?

5           A.    Yes.

6           Q.    Several hundred pages?

7           A.    Yes.

8           Q.    Is the information from that number key canvass  
9           report carried over into the summary report?

10          A.    Yes.

11          Q.    Like the summary report, are the precinct report and  
12          the number key canvas report generated through the  
13          computer program that the Elections Division  
14          maintains?

15          A.    Yes.

16          Q.    These reports, are they tied to the recanvassing  
17          that was concluded by November 23rd?

18                       MR. LIEB: Objection, form.

19                       THE COURT: Overruled. We'll allow it.

20          BY MR. HICKS:

21          A.    Yes.

22          Q.    After November 23, 2016, did the return board do any  
23          other activities with regard to the November 8, 2016  
24          election in terms tallying results or tabulating  
25          results?

1 A. No.

2 Q. Now, you mentioned during the computation and  
3 canvassing that occurred post election, the third  
4 day following the election on November 23rd, that  
5 there were adjustments made, correct?

6 A. Yes.

7 Q. Those adjustments were done by whom?

8 A. By the members of the clerks that serve on the  
9 return board.

10 Q. Did any voter ever file a recount or recanvass  
11 petition during the third day following the election  
12 up until November 23, 2016 before these unofficial  
13 results were announced?

14 A. None.

15 Q. Why do you announce the unofficial results? Why do  
16 you post them on the website?

17 A. The Election Code requires it.

18 Q. So the Election Code requires the Election Division  
19 to announce those results; is that correct?

20 A. That is correct.

21 Q. Now, according to your website, you say there's a  
22 five day period to file a recount or recanvass with  
23 the Court. What does that refer to?

24 A. That would be filing a petition with the Court of  
25 Common Pleas to either recount paper ballots or



1           recanvass the voting machine or voting machines.

2           Q.    Under that procedure, is it required to not only  
3               file with Court, but also pay cash deposit or post a  
4               surety bond?

5                       MR. LIEB: Objection. Calls for a legal  
6               conclusion.

7                       THE COURT: I think it required a reading  
8               of the statute probably. I will overrule that  
9               objection, Mr. Lieb. It's in the statute. I  
10              don't think you need to be a lawyer to read it.

11       BY MR. HICKS:

12           Q.    From your experience, with regard to recount  
13               petitions and recanvass petitions that are filed  
14               after your unofficial results are announced, is it  
15               typical that a cash deposit or surety bond be  
16               posted?

17           A.    Yes.

18                       THE COURT: Excuse me. What would be the  
19               authorities for that is that? Is that your  
20               rule or is that the election --

21                       THE WITNESS: It's in the Election Code.

22                       THE COURT: Thank you.

23       BY MR. HICKS:

24           Q.    With respect to the documents that were filed on  
25               November 28, 2016, we have stipulated that there

1           were no cash bonds or surety deposits that were  
2           posted with regard to that, correct?

3           A.    Correct.

4           Q.    During your tenure, has the Elections Division ever  
5           asked the Election Board, each member of the  
6           Election Board to sign the unofficial results before  
7           they are posted on the website?

8           A.    No.

9           Q.    Why is that?

10          A.    Well, we present a document at -- when the board  
11          meets to certify that the results are official, and  
12          we present a single sheet that we call the  
13          preliminary certification, and they sign that.

14          Q.    That's when the certification is presented when?

15          A.    At the meeting of the Board of Elections to certify  
16          the official results.

17          Q.    That meeting of the board occurs how many days after  
18          the unofficial results are published on the website  
19          to the public?

20          A.    Five days.

21                               MR. HICKS: No further questions.

22                               CROSS EXAMINATION

23          BY MR. LIEB:

24          Q.    So the Board of Elections members do sign a  
25          preliminary certification, as a matter of course,

1 correct?

2 A. They do.

3 Q. They just do it at the same meeting where they  
4 certify the final results?

5 A. Correct.

6 Q. That meeting happens as a matter of course five days  
7 after the unofficial results are compiled, correct?

8 A. Correct.

9 Q. So the members of the Board of Elections would  
10 essentially sign the results that are reflected in  
11 this thing you discussed with Mr. Hicks, correct?

12 A. Correct.

13 Q. They just haven't done it yet?

14 A. That is correct.

15 Q. Why do the members of the Board of Election sign  
16 those results?

17 A. Why?

18 Q. Yeah.

19 A. The statute requires it.

20 Q. So there is a statutory requirement that the members  
21 of Board of Election sign the preliminary  
22 certification, correct?

23 A. Correct.

24 Q. The return board that you referred to in earlier  
25 testimony consists of employees of the Election